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Received by OSRV 11/16/2007

November 15, 2007

Mine Safety and Health Administration (MSHA)  
Office of Standards, Regulations, and Variances  
1100 Wilson Boulevard, Room 2350  
Arlington, Virginia 22209-3939

RE: Written Comments on Mine Rescue Teams and Equipment Proposed Rules  
RIN 1219-AB53  
Deer Creek Mine 42-00121

Dear Sirs:

Listed below are our written comments on the Proposed Rules for Mine Rescue Team and Equipment, RIN 1219-AB53. Should you have any questions concerning these written comments please feel free to contact me at (435) 687-6642.

Sincerely

Kevin Tuttle  
Manager of Safety  
Energy West Mining Company

Cc: Earl Snow  
Ralph Sanich  
Gary Christensen

**1219-AB53-COMM-21**

**Mine Rescue Teams Proposed Rule  
Questions & Request for Information  
Written Comment: Energy West Mining Company**

1. MSHA specifically solicits comments on the approach taken in this proposal, that is, retaining all existing standards as a separate subpart A applicable to underground metal and nonmetal mines and creating a new separate subpart B containing existing standards and proposed new MINER Act provisions for underground coal mines.

**Comments:**

Interwest Mining Company believes that separating Metal/Non Metal from the underground coal mines would be beneficial due to the differences that can exist between the two entities. This would allow separate and specific requirements for the type of mine rescue coverage required.

2. MSHA also is requesting comments on whether this proposed rule will result in different approaches to providing mine rescue services and, if so, what those approaches would be.

**Comments:**

Interwest Mining Company believes this rule will result in different approaches. Each mine will have its own site specific requirements and will look at mine rescue coverage differently per their needs, availability of people, teams, size of mine, etc. Some issues to consider are:

**Large mines vs. small mines:** Some small operations may not have the manpower at their site and would require contracting with other companies or organizations to provide mine rescue coverage. This could be a big concern of the smaller operations. In some cases there may not be enough people employed at the operation to staff two mine rescue teams even with all employees being members of a mine rescue team. For example, our company was contacted by a mine in our area that was just starting up operations. They did not have the equipment or manpower when they first started to open their mine. They requested that our company provide their mine rescue teams until they could get teams and equipment put together. Our company responded to their request and provided the coverage. We also encouraged that they organize mine rescue teams as soon as possible. This took over a year to accomplish but the mine is large enough now to support two mine rescue teams. They have purchased equipment and are self sufficient in mine rescue coverage. If our company had not been willing to provide coverage this company would have been hard pressed to get teams put together without making all their employees or a major portion of their employees as mine rescue team members. We do not feel forcing people to be mine rescue team member's is a good way to provide protection. Mine rescue members need to be willing to provide this service if you want good mine rescue coverage. It is difficult to force people to train and retain knowledge and be willing to use these skills in an emergency if they are being forced to participate.

**State teams vs. contract teams vs. mine operator teams:** Mine rescue coverage can vary from state to state. What works in one state may not work in another. Mine rescue coverage needs to be flexible to allow for different scenarios. A regulation to rigid could cause a mine to struggle for mine rescue coverage and may prohibit mines from being covered by other mines or organizations. Currently our state does not have any State sponsored mine rescue teams. This does not mean this could not happen in the future or that other organizations could be set up to provide mine rescue coverage. The regulations need to be flexible enough to accommodate other avenues for providing coverage that a mine may be willing to explore.

**Travel distance for teams:** Smaller mines may not have the ability to be covered by another mine within their organization or geographical area. Even if there are mines close to another mine they may not be willing to provide coverage for another mine. Liability issues can come into play when providing mine rescue coverage for another operation. This would require the mine to look at alternatives to provide mine rescue coverage. How would a mine cover their operation if they are too small to staff their own teams and other mines within their geographical area are more than one hour travel distance?

**Coverage for other mines:** In the past we have been able to provide coverage for mines that are small with respect to the number of people employed or for a mine just starting up where they do not have sufficient people to create two mine rescue teams. The new regulations would severely impact the ability to provide this coverage and the mine will have to look at other avenues to meet the mine rescue requirements. The current regulation allowed a two hour travel time to get to a covered mine and the new proposed rule would reduce this to one hour ground travel time. Reducing the time frame to one (1) hour ground travel time will create obstacles for providing coverage. Large geographical areas are of concern for providing coverage. There could be mines that do not have sufficient employees to staff a team of their own and the next closest mine may be several hundred miles away. How would coverage be accomplished if the small mine is in this situation? Some mines may only have three or four employees. How do these operations meet the requirements for mine rescue coverage? MSHA should consider closely all scenarios when restricting mine rescue travel time. If a mine cannot meet the requirements of the regulations what alternatives would they have for operating their mine? For example, our company is now providing coverage to a Metal/Non Metal mine that has six employees. The mine is only underground approximately 600 feet. We understand that this is not an underground coal mine but regulations still require all mines to have mine rescue coverage. How does this mine provide two teams to cover their mine? If we stop providing coverage to this mine, what are their options?

3. MSHA requests comments on these provisions (State-sponsored teams) particularly on allowing experience to substitute for 50 percent of the training requirement.

**Comments:**

Interwest Mining Company believes that if experience is granted for State-sponsored teams it should also be granted across the board to all mine rescue teams. We would not oppose experience being used to satisfy some of the requirements for training but this should be applicable whether State-sponsored, privately contracted or company teams. Experience should be an item of consideration for mine rescue teams.

4. The agency solicits comments on whether some existing (mine rescue) stations may need to be moved to meet this (1-hour travel time) requirement.

**Comments:**

Interwest Mining Company believes that right now the one hour travel time would not be an issue for us, but could become an issue if we were to purchase other mines in our area or provided coverage for another mine.

5. MSHA also solicits comment on whether mine operators will encounter any difficulties in meeting the requirements of the proposal (1-hour travel time).

**Comments:**

Interwest Mining Company's mine rescue stations are less than one hour travel time from our operating mines and is currently not an issue. With this in mind, we will be required to stop providing mine rescue coverage for a small Metal/Non Metal mine that employees approximately six people for which we have been providing service. This mine is two hours ground travel time from our rescue station. This change would also not allow us to help cover other mines that may be starting up in our area. Coal mines usually start with a small workforce to get the portals and mains established until they can branch off for sections. This puts the mine in jeopardy for coverage on start up especially if there are no State-sponsored teams available or other mines willing or able to provide coverage within the one hour time travel area.

6. MSHA specifically requests information from members of the mining community affected by this provision on the number of additional mine rescue teams and stations that would be needed to comply with this requirement.

**Comments:**

Interwest Mining Company believes this question could be looked at in two ways. First; our mines currently have two mine rescue teams made up of employees of the mines. These teams provide coverage for the mines we are operating in our area and we would not be affected at this point of time. Second: If we have mines in our area that cannot provide mine rescue teams due to unavailability of people or people not wanting to be part of a team, they would need to contract with other mines or organizations which could require additional team members and stations to meet the needs of the mining community.

7. MSHA is particularly interested in: (1) how compliance would be achieved; (2) location of new rescue stations; (3) make-up and composition of new teams; and (4) any other information that might be useful.

**Comments:**

Interwest Mining Company has the following responses to this question.

**First:** You would need to add additional mine rescue teams or stations or both to achieve compliance with the new rule.

**Second:** If our company was to purchase another mine property in our area that was over a one hour travel distance we would need to provide another rescue station for that operation. Providing a rescue station would involve an added expense but the difficulty of providing a rescue station would not be as difficult as providing mine rescue personnel to cover the mine.

**Third:** As mentioned above if we were to start up a new mine, the number of people would be low to start. If we are over the one hour travel distance we would be required to create two new teams and a mine rescue station. This team would be those employed at the mine which could be the majority of the people employed, to meet the requirements of the regulation. How do we provide coverage on a start up mine when there are no miners willing to be part of a mine rescue team? How do you provide coverage at start up if there are no State teams or other mines willing to cover you until you get enough people to staff two teams?

**Fourth:** This new rule could prohibit one company from providing mine rescue services to another company due to the mine rescue station being over the one hour travel distance.

8. MSHA is also interested in feasibility information, including economic feasibility. The agency requests that comments include specific information such as cost or technical capability in support of their positions.

**Comments:**

Interwest Mining Company believes it would not be feasible to build and supply an additional rescue station and rescue teams.

9. The agency is interested in comment pertaining to whether the amount (mandatory training hours) should be increased or decreased in the final rule. Comments should specifically address: the rationale for the amount of training; the type of training; the number of hours that should be required for specific activities; and the impact of such a requirement on the mining industry's ability to form additional mine rescue teams or retain current mine rescue team members.

**Comments:**

Interwest Mining Company is not opposed to the increase to sixty-four (64) hours of training, however we do not agree with the eight hours every two months. The time required for training should be revised to allow the company to achieve the time on an annual basis instead of a monthly basis. With the new regulations requiring teams to participate in two mine rescue contests this will require additional time allotted for training. During this time of the year several hours of training are required to enhance skills for mine rescue contest work. Mine rescue season is normally April thru September and results in increased training time to prepare for contest work. This training includes wearing the mine apparatus. This time usually exceeds the time required for monthly training and should be allowed to meet an annual requirement.

The new regulations will now require all mine rescue teams to participate in a minimum of two contests per year. This adds additional training and could even double the amount of time required by a company for mine rescue training. By allowing operators to comply with training on an annual basis, this could relieve some of the pressure on the operator for training.

Allowing some flexibility during the year can help retain mine rescue team members. There are some people who have or would participate in mine rescue but are unwilling or unable to train during certain times of the year. Having to rigid of a training requirement, can cause the industry to loose good experienced people. With the aging work force that the mining industry is facing, some of the older miners are unwilling or unable to dedicate the amount of time necessary for training. Flexibility in training schedules will help in the encouragement of new miners to become active in mine rescue.

Many times mine rescue training is conducted during the miners normal days off. With the increase in training this would require the miner to give up more of their free time/day off for mine rescue training. This is prohibitive in providing mine rescue team coverage. During certain times of the year this time is not as critical as other. For example, winter vs. summer months. If you are not able to recruit mine rescue members you end up forcing people to participate in mine rescue to meet coverage requirements. Training is more effective with people that want to be part of mine rescue rather than those being forced to participate. This also becomes more critical with smaller mines where the number of people to choose from is restricted.

10. MSHA invites comment regarding the types of State relationships with teams and team members that would qualify the team members as “employees” and the team as “State-sponsored.”

**Comments:** Interwest Mining Company has no Comments on this question.

11. MSHA invites comment regarding the types of teams that are available to mines having 36 or fewer employees who could qualify to be a mine rescue team member and whether these mines should be able to use other types of teams, such as teams consisting of one miner per covered mine.

**Comments:**

Interwest Mining Company believes there needs to be some flexibility with small mines. These mines are at a disadvantage for providing mine rescue coverage. They either have to contract out their mine rescue coverage or make the majority of their people mine rescue team members. There may not be any mines or organizations to even provide coverage within the one hour time travel constraints. Some mines physically may not have the amount of people to fill one let alone two teams. Providing mine rescue teams for a large mine is hard enough but a smaller mine will have more obstacles.

12. MSHA invites comments on the different treatment of mines less than and larger than 36 employees. Comments should explain any suggested alternatives, including supporting documentation and date. MSHA also requests comment on whether this training needs to be conducted underground at the covered mine.

**Comments:**

Please refer to the comments on item 11 above.

13. MSHA specifically requests comments on the following criteria for a local mine rescue contest:

- The contest must be conducted in the U.S. and use MSHA recognized rules
- The contest must include a minimum of three competing teams
- Team members must have the necessary equipment to participate in a simulated mine rescue exercise; participate while being timed and observed by trained judges and wear oxygen breathing apparatus
- Contest judges must have completed annual training

**Comments:**

**First:** Interwest Mining has no comments with this bullet point.

**Second:** Interwest mining company disagrees with MSHA requiring mine rescue teams to participate solely in mine rescue contests. There are other methods, such as industry training programs that can provide just as effective training as those provided by a mine rescue contest. Mine rescue contests provide very valuable training but much of the training is focused on competition rather than actual mine rescue training. Teams can go through a mine rescue problem provided by an industry training program and get just as much information and training as that of a contest.

**Third:** Interwest Mining has no comments on this bullet point.

**Fourth:** Interwest mining company believes this item is alright if MSHA is judging and providing the judges with the required training. If we have to rely on people getting training as judges to participate in a contest we would have serious difficulties providing the amount of judges necessary. It could also work into having to pay judges to participate which would add significantly to the contest registrations. Finding the amount of judges to put on a contest would become a burdensome task which could cause the contest to be discontinued. We only have a couple of contests in our area and having one of them being discontinued would prove detrimental in providing the number of contests needed to meeting the regulations.

14. The agency solicits comments on whether there should be a minimum amount of annual training prescribed for contest judges.

**Comments:**

Interwest Mining Company believes that contest judges should be MSHA personnel with mine rescue contest training/experience.

15. MSHA requests comments on other alternatives to participation in local mine rescue contests.

**Comments:**

Mine rescue contests have been used for many years to test the skills of mine rescue teams. These contests have been very effective for those teams that have taken the time to train in the requirements of the contests. Contests focus on competition and many mine rescue teams enjoy this competitive spirit but some may not. Some mine rescue teams may not want to spend the time in preparing for a competitive mine rescue contest. If a mine rescue team chooses not to participate in a mine rescue contest doesn't mean they are not receiving training and the training being provided is not effective. Also, just participating in a mine rescue contest does not guarantee that a mine rescue team will benefit from the training that a contest provides. The benefits of participating in a mine rescue contest is a reflection on the amount of time in preparation before the contest. Participating in the contest by itself provides limited training. Any mine rescue team can attend a contest, take the written tests and walk through the contest problem. The contest can provide an experience in going through a mine rescue problem but what knowledge gained from going through this problem is based upon the preparation before the contest. Mine rescue teams that attend the contests have gone through many mine rescue problems at their own facilities before they participate in the contest problem.

If MSHA requires mine rescue teams to participate in two mine rescue contests per year this could be detrimental to the current contests being run in certain areas. If a mine rescue team does not have any interest in being part of a competitive contest, but are required by regulation to attend two contests, they may prepare just enough to participate and verify that they have participated in two contests as per the regulations. This participation will not add to the contest or the teams abilities in mine rescue.

This regulation could also add to the total number of participating teams of the contest which may exceed the capability of the contest. Some contests have facilities that handle a certain number of fields for competition. Increased participation for components of the contest such as facilities for bench, first aid could stretch the abilities of the contest. The increased number of teams could put a

strain on the facilities currently being used for mine rescue contests. Some items of consideration for increasing contest sizes would be:

- Currently most contests are organized and put on by mine rescue associations. To our knowledge the only contest that is organized and put on by MSHA is the National Contest held every other year. These organizations generally consist of volunteers from mine operators within their areas. Currently there is no regulation or requirement to put on a mine rescue contest. The majority of the costs of these contests are absorbed by the associations with the exception of the MSHA judging. By promulgating regulation requiring companies to participate in two mine rescue contests each year MSHA is setting up a mine to fail should a contest be unavailable or discontinued. We would pose the following questions:

What distance would be considered reasonable for a team to travel to a contest, out of their local area, should two contests not be available?

Is MSHA willing to commit to provide two local contests each year, within each district, should contests not be available?

- The number of judges would need to be increased. Currently MSHA is providing the judges for most if not all of these contests. This participation is critical for the continued operation of the contest and non participation of MSHA would cause the contest to be discontinued. Increasing team participation will require additional MSHA personnel which would put an additional strain on MSHA to perform their normal job duties. At what point does MSHA start limiting their participation in a contest?
- If the participants start exceeding the capacities of the contest then some contests may start limiting the number of participants. If local contests start limiting the number of participants what options are afforded to the companies to meet the requirements of contest work?
- Facilities for components of the contest such as bench and first aid could increase. In the West there are two main coal contests. One contest is the Rocky Mountain Coal Mine rescue contest held in Price, Utah and the other contest is put on by the Colorado Mine Rescue Association. This contest is held in Paonia, Colorado and Craig Colorado on alternate years. New Mexico has also held a contest recently.

The regulation's requires a team to participate in two local contests per year. This regulation brings up the question as to what is a local contest? A mine rescue contest in the west could be several hundred miles from the mines. This could involve a team having to spend a couple of days just traveling in addition to participating in the contest. What if a team wants to use the National Contest as one of their contests for the year. Would the National Contest be considered as a local contest for a western mine rescue team?

As mentioned above the west has two primary contests. What would happen if one of these contests stops functioning or had to cancel because of an unforeseen emergency? For example, a few years ago a mine in our area had a mine disaster just before the scheduled mine rescue contest. This required the mines rescue teams to participate in the disaster along with some other mines in the area. A decision had to be made as to whether to continue with the contest or cancel it due to the affects of the disaster on the community and mine rescue teams. It was decided to continue with the contest but the real potential existed of having the contest canceled. What would the teams in our area do if one of



our primary contests were canceled? How would the mine rescue team's meet the requirements of the regulations if there are not two contests to attend and one is canceled? MSHA cannot set up our industry to fail by forcing mine rescue teams to participate in mine rescue contests as the sole means of meeting the regulations.

Scheduling can become an issue when looking at sending a mine rescue team to a contest. Some mines have the ability to send both teams to a contest and some mines may struggle and only have the ability to send one team to a contest at a time without negatively affecting the operation of the mine. Mine rescue team members are generally critical people to the operation who are highly motivated and play a critical part in the day to day operation of the mine. A mine may choose to send their teams to a single contest and use an alternate method of obtain training other than that of a contest.

There are other means of providing beneficial training other than mine rescue contests. MSHA should allow approved training courses that could be put on by companies or other organizations that could provide just as effective training as mine rescue contest. For example, the Edgar mine in Colorado puts on an effective mine rescue training course. There are others such as professional fire fighting courses that teach fire fighting skills. MSHA could require that certain subjects be covered to provide adequate mine rescue training such as having the teams work a mine rescue problem similar to those of a mine rescue contest. There are other organizations such as the Western Energy Training Center in Utah that has the potential to put on mine rescue training. Companies could put on their own mine rescue contests and have inter-company training. The possibilities are many and MSHA should not restrict the industry to a single source of training for mine rescue. Remember that just participating in a mine rescue contest does not make you a trained mine rescue team.

**Summary Comments:** Interwest Mining Company recommends that MSHA consider allowing the National Mine Rescue Executive Committee and Rules Committee to evaluate the need for new mine rescue rules and regulations. By allowing those who have first hand knowledge of mine rescue to establish new rules (if necessary), we would be sure to have a rule in place that would provide the quickest response and at the same time, provide the greatest protection to the mine rescue workers that respond to mine accidents and emergencies.

16. Section 75.1501(b) The responsible person shall be trained annually in mine emergency response. Training shall include knowledge in the following:
- (i) Organizing a command center;
  - (ii) Directing firefighting personnel;
  - (iii) Deploying firefighting equipment;
  - (iv) Directing mine rescue personnel;
  - (v) Establishing fresh air base;
  - (vi) Deploying mine rescue teams;
  - (vii) Providing for mine gas sampling and analysis;
  - (viii) Establishing security;
  - (ix) Initiating an emergency mine evacuation;
  - (x) Contacting emergency personnel; and
  - (xi) Communicating appropriate information related to the emergency.

Comment: When a disaster occurs the responsible person will have many job duties to take care of. There will be other personnel arriving at the location that will help in handling

critical job functions. The Responsible Person cannot be overloaded with job duties that should be handled by other personnel within the organization. We disagree with having the Responsible person responsible for organizing a command center, directing mine rescue personnel, establishing a fresh air base, and deploying mine rescue teams. We believe these jobs should be handled by either those in the command center or those responsible for mine rescue work.